

Exhibit 71

To: Thomas T. Miyano (vern@francissenpatentlaw.com)
Subject: TRADEMARK APPLICATION NO. 77371395 - M - HTC07-002TM
Sent: 4/25/2008 8:36:54 PM
Sent As: ECOM110@USPTO.GOV
Attachments: Attachment - 1
Attachment - 2
Attachment - 3
Attachment - 4
Attachment - 5

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/371395

MARK: M

77371395

CORRESPONDENT ADDRESS:

VERNON W. FRANCISSEN
53 W JACKSON BLVD STE 1320
CHICAGO, IL 60604-4174

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Thomas T. Miyano

CORRESPONDENT'S REFERENCE/DOCKET

NO:

HTC07-002TM

CORRESPONDENT E-MAIL ADDRESS:

vern@francissenpatentlaw.com

NOTICE OF SUSPENSION

ISSUE/MAILING DATE: **4/25/2008**

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

MMU0022134

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **77-176918**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application is attached.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

- Cancellation **re: Reg. No. 1217317**

The above registration is cited below as a bar to applicant's registration under Section 2(d) of the Trademark Act. 15 U.S.C. §1052. Therefore, action is suspended pending the final disposition of this proceeding. See 37 C.F.R. §2.83; TMEP §§716.02(a), (c) and (d), 1208 et seq.

SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 1217317. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

The registered mark has the same “M”-with-wings design that is the subject of the present application. The goods listed in the registration are “power lathes, and bar feeders therefor.” The goods listed in the application are “Machines and machine tools for the cutting and forming of materials.” Since the machine tools could include power lathes, the respective goods are very similar if not identical. Given the similarity of the goods and marks, there is a likelihood of confusion.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

It is noted that the owner of the cited registration is Miyano Machinery Inc., while the applicant is Thomas T. Miyano. If the mark in the cited registration has been assigned to applicant, applicant can provide evidence of ownership of the mark by satisfying one of the following:

- (1) Record the assignment with the Assignment Services Division of the Office and provide a written statement to the trademark examining attorney that the assignment has been duly recorded;
- (2) Submit copies of documents evidencing chain of title; or

- (3) Submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: “Applicant is the owner of U.S. Registration No. 1217317.”

TMEP §812.01; *see* 15 U.S.C. §1060; 37 C.F.R. §§3.25, 3.73; TMEP §502.02(a).

/StevenFine/

Trademark Attorney

Law Office 110

(571) 272-9158

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Apr 24, 2008

73328921

DESIGN MARK

Serial Number

73328921

Status

CANCELLATION PENDING

Word Mark

M MIYANO

Standard Character Mark

No

Registration Number

1217317

Date Registered

1982/11/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

MIYANO MACHINERY INC. CORPORATION ILLINOIS 940 NORTH CENTRAL AVENUE
WOOD DALE ILLINOIS 60191

Goods/Services

Class Status -- ACTIVE. IC 007. US 023. G & S: Power Lathes, and
Bar Feeders Therefor. First Use: 1970/01/00. First Use In Commerce:
1970/01/00.

Description of Mark

The mark is composed of the word Miyano with the double winged letter
"M" superimposed in a triangle.

Filing Date

1981/09/21

Examining Attorney

UNKNOWN

Attorney of Record

GEORGE H. KOBAYASHI



Print: Apr 24, 2008

77176918

DESIGN MARK

Serial Number

77176918

Status

OPPOSITION PENDING

Word Mark

M MIYANO

Standard Character Mark

No

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Miyano Machinery USA Inc. CORPORATION ILLINOIS 940 N. Central Avenue
Wood Dale ILLINOIS 60191

Goods/Services

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Repair and refurbishing services in connection with machines and machine tools, namely, turning centers, lathes, vertical machining centers and all parts therefor. First Use: 1970/01/01. First Use In Commerce: 1970/01/01.

Prior Registration(s)

1217317;1473925;1527809

Description of Mark

The mark consists of the wording Miyano with double winged letter "M" superimposed on a triangle.

Colors Claimed

Color is not claimed as a feature of the mark.

Filing Date

2007/05/09

Examining Attorney

CHUO, EMILY

Attorney of Record

Print: Apr 24, 2008

77176918

George H. Kobayashi

